

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOSEPH EMERSON,

Plaintiff,

Civil Action No. 16-10682

v.

HONORABLE DENISE PAGE HOOD

EXCLUSIVE AUTO and
TONY WILLIAMS,

Defendants.

ORDER SUMMARILY DISMISSING ACTION

Before the Court are documents filed by Plaintiff Joseph Emerson related to matters before the Sylvania Municipal Court located in Sylvania, Ohio and the Lucas County Common Pleas Court located in Toledo Ohio. (Doc. No. 1) It appears Plaintiff is seeking a change of venue from both courts to this Court. There is no indication from the documents submitted that the Ohio courts granted Plaintiff's requests to change venue of the actions to this Court. Since there are no orders from the Ohio courts allowing the changes of venue of Plaintiff's cases from the Ohio courts to this Court, the Court dismisses this action filed by Plaintiff for improper filing of an action.

The civil cover sheet indicates that this action was a removed action. A "defendant" seeking to remove an action from a State court "shall file in the district

court of the United States for the district and division *within which such action is pending . . .*” 28 U.S.C. § 1446(a) (italics added). This Court, the Eastern District of Michigan, is *not* located in the State of Ohio. Plaintiff cannot remove his court actions pending in the Ohio State courts to this Court, which is located in Michigan. It is noted that there is no proper Notice of Removal filed by Plaintiff notifying the Ohio State courts and the parties in those actions of Plaintiff’s “removal” of the action. It appears Plaintiff merely filed the documents with this Court. Plaintiff’s action must be dismissed as an improper removal.

In addition, Plaintiff failed to pay the filing fee at the time the documents were filed with the Clerk. A filing fee of \$400 must be paid before any action or removal proceeds in this Court. The action must be dismissed for failure to pay the filing fee.

Accordingly,

IT IS ORDERED that this action is **DISMISSED** for the reasons set forth above. IT IS FURTHER ORDERED that this action is designated as **CLOSED** on the Court’s docket.

s/Denise Page Hood _____
DENISE PAGE HOOD
Chief Judge
United States District Court

DATED: February 29, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 29, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager